

2 SHB 2541 - S COMM AMD
3 By Committee on Judiciary

4 ADOPTED 03/05/02

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 70.48.090 and 1987 c 462 s 7 are each amended to read
8 as follows:

9 (1) Contracts for jail services may be made between a county and a
10 city (~~located within the boundaries of a county~~), and among counties
11 and cities. The contracts shall: Be in writing, give one governing
12 unit the responsibility for the operation of the jails, specify the
13 responsibilities of each governing unit involved, and include the
14 applicable charges for custody of the prisoners as well as the basis
15 for adjustments in the charges. The contracts may be terminated only
16 by ninety days written notice to the governing units involved and to
17 the office. The notice shall state the grounds for termination and the
18 specific plans for accommodating the affected jail population.

19 (2) The contract authorized in subsection (1) of this section shall
20 be for a minimum term of ten years when state funds are provided to
21 construct or remodel a jail in one governing unit that will be used to
22 house prisoners of other governing units. The contract may not be
23 terminated prior to the end of the term without the office's approval.
24 If the contract is terminated, or upon the expiration and nonrenewal of
25 the contract, the governing unit whose jail facility was built or
26 remodeled to hold the prisoners of other governing units shall pay to
27 the state treasurer the amount set by the corrections standards board
28 or office when it authorized disbursement of state funds for the
29 remodeling or construction under RCW 70.48.120. This amount shall be
30 deposited in the local jail improvement and construction account and
31 shall fairly represent the construction costs incurred in order to
32 house prisoners from other governing units. The office may pay the
33 funds to the governing units which had previously contracted for jail
34 services under rules which the office may adopt. The acceptance of
35 state funds for constructing or remodeling consolidated jail facilities
36 constitutes agreement to the proportionate amounts set by the office.

1 Notice of the proportionate amounts shall be given to all governing
2 units involved.

3 (3) A city or county primarily responsible for the operation of a
4 jail or jails may create a department of corrections to be in charge of
5 such jail and of all persons confined therein by law, subject to the
6 authority of the governing unit. If such department is created, it
7 shall have charge of jails and persons confined therein. If no such
8 department of corrections is created, the chief law enforcement officer
9 of the city or county primarily responsible for the operation of said
10 jail shall have charge of the jail and of all persons confined therein.

11 **Sec. 2.** RCW 70.48.220 and 1979 ex.s. c 232 s 19 are each amended
12 to read as follows:

13 A person (~~(convicted of)~~) confined for an offense punishable by
14 imprisonment in a city or county jail may be confined in the jail of
15 any city or county contracting with the prosecuting city or county for
16 jail services.

17 A jurisdiction that confines persons prior to conviction in a jail
18 in another county is responsible for providing private telephone,
19 video-conferencing, or in-person contact between the defendant and his
20 or her public defense counsel."

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24 On page 1, line 1 of the title, after "services;" strike the
25 remainder of the title and insert "and amending RCW 70.48.090 and
26 70.48.220."

EFFECT: Any person confined (more inclusive than "charged or
convicted") may be placed outside the jurisdiction if adequate
contact with public defense counsel is provided for.

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